

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

~~Claims 40, 41, 65, 66, 70-76, 78-95 and 112-129 are rejected under 35 U.S.C. §112,~~
first paragraph. Applicants respectfully traverse the rejection.

As an initial matter, it is noted that claims 128-129, as well as new claims 141-164, do not contain the objected to recitations. Therefore, the rejection with regard to at least these claims is improper and should be withdrawn.

With regard to the other rejected claims, it is respectfully submitted that the specification clearly conveys that Applicants invented the concept of applying the composition to human skin whose integrity has not been breached by injury or by a wound. In particular, the specification recites that the composition may be used for both cosmetic and medicinal purposes. Page 1, lines 6-7. The medicinal purposes set forth in this specification clearly include applying the composition to areas of skin whose integrity has been breached by injury and/or a wound. Thus, by reciting cosmetic applications as well as medicinal applications, Applicants clearly envisioned the use of this product on skin whose integrity has not been breached by injury or a wound.

In addition, the specification particularly describes uses in which the composition is applied only to areas of skin whose integrity has not been breached by injury or a wound. In particular, the specification describes using the composition for the "maintenance of the integrity and the balance of the superficial cells of the skin." Page 3, lines 31-32 (emphasis added). This teaching is clearly directed to applying the composition to skin whose integrity has not been breached by injury or a wound.

The Office Action indicates that the argument is not persuasive "because the scope and definition of this embodiment cannot be determined from the original disclosure as filed." In particular, the Office Action notes that there are no definitions of the terms "injured" or

"breached by a wound." However, it is respectfully submitted that these terms would be understood by one of ordinary skill in the art. In particular, as defined in a medical dictionary, the term "injury" refers to "[t]he damage or wound of trauma." A copy of this definition was provided with the Amendment filed April 12, 2000. In addition, in a medical dictionary, the term "wound" is defined as "a bodily injury caused by physical means, with disruption of the normal continuity of structures." A copy of this definition is attached hereto. These dictionary definitions set forth the well understood definitions of these terms. It is respectfully submitted that these terms should be construed based on these well-established definitions. In addition, based on these well-established definitions, it is not necessary for the specification to recite definitions for these terms.

The Office Action argues that if the terms "weakened skin" and "older skin" are given their broadest reasonable interpretation, they include skin "injured" by exposure to sun, wind and other elements. However, the term "weakened skin" is not recited in claim 40. Thus, whether or not "weakened skin" encompasses skin that has been "injured," claim 40 only includes the application of the composition to "weakened skin" to the extent that the "weakened skin" would not be considered to have been injured based on the above-mentioned well-understood definition of the term.

The specification as originally filed clearly conveys that Applicants invented the subject matter of the present claims. Therefore, the rejection under 35 U.S.C. §112, first paragraph, should be reconsidered and withdrawn.

Claim 87 is rejected under 35 U.S.C. §112, second paragraph. Claim 87 has been canceled herein, rendering this rejection moot.

Claims 40, 41, 65, 66, 70-76, 78-95 and 112-129 are rejected under 35 U.S.C. §103 over the Lindenbaum patents in view of Wille and further in view of Cuca. Applicants respectfully traverse the rejection.

As amended, claims 40, 112 and 128 each recite that the composition does not contain a cellular growth stimulating compound or factor, or a hormone. The Lindenbaum patents do not teach or suggest a composition that does not comprise a cellular growth stimulating compound or factor, or a hormone. Instead, these patents clearly indicate that the compositions described therein contain a non-steroidal anabolic hormone such as insulin, growth hormone, triiodothyronine, thyroxine or mixtures thereof. The Lindenbaum patents do not provide any motivation to remove this essential component from the compositions described therein.

The secondary references do not overcome the deficiencies of the Lindenbaum patents. In particular, neither Wille nor Cuca provide any motivation to remove the non-steroidal anabolic hormones from the compositions described in Lindenbaum.

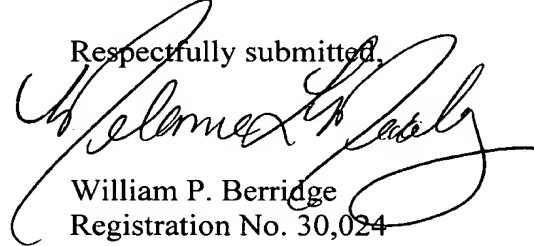
For at least these reasons, the Lindenbaum patents in view of Wille and Cuca fail to teach or suggest a cosmetic treatment using a composition of the present invention. Therefore, the rejection under 35 U.S.C. §103 in view of these references should be reconsidered and withdrawn.

In view of the above amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Favorable consideration and prompt allowance are therefore respectfully requested.

Should the Examiner believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact Applicants'

~~undersigned representative at the telephone number listed below.~~

Respectfully submitted,



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Attachments:

Appendix
Dictionary Definition

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APPENDIX

Changes to Claims:

Claims 41, 65, 66, 70, 72-74, 76, 81-95 and 113-127 are canceled.

Claims 130-164 are added.

The following are marked-up versions of the amended claims:

40. (Twice Amended) A method of cosmetic treatment, comprising contacting only an area of human skin whose integrity has not been breached by injury with a treatment composition comprising ~~a~~an aqueous complex ~~nutrient medium~~nutritive base comprising at ~~least some~~a plurality of amino acids, at least one vitamin, ~~at least one~~a plurality of assimilable organic ~~component~~components, and at least one inorganic salt, wherein said treatment composition does not comprise a biological extract of animal or cellular origin, or a living nourishing substrate, ~~and wherein said composition supports per se viable in vitro growth of human epidermal keratinocytes~~ or a cellular growth stimulating compound or factor, or a hormone.

71. (Amended) The method of claim 40, wherein the pH and osmolarity of said ~~composition~~complex nutritive base are per se close to physiological conditions.

75. (Amended) The method of claim 40, wherein said treatment composition ~~is~~consists essentially of components that are biomimetic to skin.

77. (Amended) ~~The~~A method of ~~claim 40~~cosmetic treatment, comprising contacting human skin with a treatment composition comprising an aqueous complex nutritive base, wherein said complex ~~nutrient medium~~nutritive base comprises the following components, the concentration of the components being expressed in milligrams per liter of solvent:

L-Alanine	9.2
L-Arginine HCl	421.4

L-Asparagine (anhydrous)	14.2
L-Aspartic acid	4.0
L-Cysteine HCl·H₂O	42.0
L-Glutamic acid	14.8
L-Glutamine	1754.4
Glycine	7.6
L-Histidine HCl·H ₂ O	50.0
L-Isoleucine	6.0
L-Leucine	131.2
L-Lysine HCl	54.0
L-Methionine	13.5
L-Phenylalanine	10.0
L-Proline	34.6
L-Serine	126.1
L-Threonine	24.0
L-Tryptophan	9.3
L-Tyrosine 2 Na 2H ₂ O	11.7
L-Valine	70.3
d-Biotin	0.02
Folic acid	0.80
Nicotinamide	0.04
Ca D-Pantothenate	0.30
Pyridoxine HCl	0.06
Riboflavin	0.04
Thiamine HCl	0.30

Vitamin B ₁₂	0.41
i-Inositol	18.0
Putrescine-2-HCl	0.20
Sodium pyruvate	55.0
Thymidine	0.73
Adenine (HCl)	24.0
DL-Lipoic acid	0.20
D-Glucose	1080.0
Sodium chloride	6800.0
KCl	112.0
Na ₂ HPO ₄	284.0
CuSO ₄ ·5H ₂ O	0.003
Sodium acetate	300.0 (anhydrous)
HEPES (piperazine)	6600.0
Phosphorylethanolamine	0.06768
Ethanolamine	0.04684
Sodium sulphate	3.4
Sodium bicarbonate	1160.0
FeSO ₄ ·7H ₂ O	1.39
MgCl ₂ ·6H ₂ O	120.0
CaCl ₂ ·2H ₂ O	from 13.0 to 22.05
ZnSO ₄ ·7H ₂ O	0.144
(NH ₄) ₆ MO ₇ O ₂₄ ·4H ₂ O	0.00120
Na ₂ SiO ₃ ·5H ₂ O	0.142
MnCl ₂ ·4H ₂ O	0.00002

$\text{SnCl}_2 \cdot 2\text{H}_2\text{O}$ 0.00011

NH_4VO_3 0.00057.

80. ~~(Amended)~~ The method of claim 40, wherein said ~~at least one organic~~ ~~component includes~~ components include at least one organic component selected from the group consisting of i-Inositol, Putrescine 2 HCl, Sodium pyruvate, Thymidine, Adenine (HCl), DL-Lipoic acid and D-Glucose.

112. ~~(Amended)~~ A method of cosmetic treatment, comprising contacting only an area of human skin whose integrity has not been breached by a wound with a treatment composition comprising ~~a~~ an aqueous complex nutrient medium nutritive base comprising ~~at least some a~~ plurality of amino acids, at least one vitamin, ~~at least one a~~ plurality of assimilable organic ~~component~~ components, and at least one inorganic salt, wherein said treatment composition does not comprise a biological extract of animal or cellular origin, or a living nourishing substrate, ~~and wherein said composition supports per se viable in vitro growth of human epidermal keratinocytes or a cellular growth stimulating compound or factor, or a hormone.~~

128. ~~(Amended)~~ A method of cosmetic treatment, comprising contacting human skin with a composition that permits per se viable *in vitro* growth of human epidermal keratinocytes, wherein said composition does not comprise either a biological extract of animal or cellular origin, or a living nourishing substrate, and wherein said composition does not contain any cellular growth stimulating compound or factor, or any hormone.

129. ~~(Amended)~~ The method of claim 128, wherein said composition comprises ~~at least some a~~ plurality of amino acids, at least one vitamin, a plurality of assimilable organic components and at least one inorganic salt.

Edition
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Dorland's *Illustrated* Medical Dictionary

W.B. SAUNDERS COMPANY

A Division of Harcourt Brace & Company

Philadelphia London Toronto Montreal Sydney Tokyo

fluke w., see *fluke*.

guinea w., *Dracunculus medinensis*.

heart w., *Dirofilaria immitis*.

horsehair w., *Gordius*.

kidney w., *Diectophyma renale*.

lung w., see *lungworm*.

maw w., *Ascaris*.

meal w., *Asopia furinalis*, *Tenebrio molitor*, and other grain beetles.

Medina w., *Dracunculus medinensis*.

palisade w., *Strongylus equinus*.

pork w., *Trichinella spiralis*.

screw w., see *screwworm*.

serpent w., *Dracunculus medinensis*.

spinyheaded w., *Acanthocephala*.

stomach w., *Haemonchus contortus*.

thorny-headed w., *Acanthocephala*.

tongue w., *Pentastomida*.

trichina w., *Trichinella*.

wor-mi-an bones (wer'me-an) [Olaus Worm, Danish anatomist, 1588–1654] ossa suturarum.

Worm-ley's test (worm'lēz) [Theodore George Wormley, American chemist, 1826–1897] see under *tests*.

Worm-Müller's test (vorm-mil'erz) [Jacob Worm-Müller, Norwegian physician, 1834–1889] see under *tests*.

worm-seed (worm'sēd) 1. *santonica*. 2. *Chenopodium*.

worm-wood (worm'wood) absinthium.

Woulfe's bottle (woolfs) [Peter Woulfe, English chemist, 1727–1803] see under *bottle*.

wound (wōond) [L. *vulnus*] a bodily injury caused by physical means, with disruption of the normal continuity of structures.

aseptic w., one which is not infected with pathogens.

blowing w., open pneumothorax.

contused w., a wound in which the skin is unbroken.

incised w., one made by a cutting instrument.

lacerated w., laceration.

nonpenetrating w., one in which there is no disruption of the skin but there is injury to underlying structures.

open w., one that communicates with the atmosphere by direct exposure.

penetrating w., one caused by a sharp, usually slender object, such as a nail or ice pick, which passes through the skin into the underlying tissues.

perforating w., a penetrating wound which extends into a viscus or bodily cavity.

puncture w., one made by a pointed instrument; penetrating wound.

septic w., one that is infected with pathogens.

seton w., one which enters and exits on the same side of the injured part.

subcutaneous w., one which involves only the skin and subcutaneous tissue.

sucking w., a penetrating wound of the chest through which air is drawn in and out.

tangential w., an oblique glancing wound which results in one edge being undercut.

traumatopneic w., sucking w.

W-plas-ty a technique in plastic surgery used mainly in the repair of straight scars that require the redistribution of tension. It consists of excising a series of consecutive small triangular areas of tissue on each side of the wound or scar, and imbricating the resultant triangular flaps.

wrapping (rap'ing) the act or process of putting a cover around a thing.

fundic w., see *fundoplication*.

Wright's stain (rītz) [James Homer Wright, American pathologist, 1869–1928] see under *Table of Stains*.

Wright's syndrome (rītz) [Irving Sherwood Wright, American physician, born 1901] see under *syndrome*.

Wris-berg's cartilage, etc. (ris'bārgz) [Heinrich August Wrisberg, German anatomist, 1739–1808] see *cartilago cuneiformis*, *ganglia cardiaca*, *ligamentum menisco-femorale posterius*, *nervus intermedialis*, *nervus cutaneus brachii medialis*, and *tuberculum cuneiforme*.

wrist (rist) 1. the part of the upper limb between the forearm and hand, in the region of the wrist joint. Called also *carpus* [NA]. The term is also applied to the corresponding part in the thoracic limb of quadrupeds. 2. *articulatio radiocarpalis*.

tennis w., *tenovaginitis* of the tendons of the wrist in tennis players.

wrist-drop (rist'drop) a condition resulting from paralysis of the extensor muscles of the hand and fingers. Called also *carpopositis* and *drop hand*.

writ-ing (rīt'ing) the inscription of letters or other symbols, and of words, phrases, and sentences, so that they may be perceived by the eyes or, by the blind, through the fingertips.

mirror w., writing in which the right and left relationships of letters and words are reversed, as if seen in a mirror.

wry-neck (ri'neck) *torticollis*.

wt weight.

Wu-cher-e-ria (voo'ker-e're-ə) [Otto Wucherer, German physician in Brazil, 1820–1873] a genus of filarial nematodes (roundworms) indigenous in various countries of warmer regions of the world.

W. bancrofti, a white threadlike worm which causes elephantiasis, lymphangitis, and chyluria by interfering with the lymphatic circulation. The immature forms, or *microfilariae* (*microfilaria bancrofti*), are found in the circulating blood, especially at night, and are carried by *Culex* and other mosquitoes. In the Pacific form of *W. bancrofti*, sometimes called *W. bancrofti* var. *pacifica*, the microfilariae do not show the nocturnal periodicity seen elsewhere.

W. ma'layi, *Brugia malayi*.

wu-cher-e-ri-a-sis (voo-ker'e-ri-ə-sis) infection with worms of the genus *Wuchereria*.

Wun-der-lich's curve (voo'n'der-likz) [Carl Reinhold August Wunderlich, German physician, 1815–1877] see under *curve*.

Wur-ster's test (voors'terz) [Casimir Wurster, German physiologist, 1856–1913] see under *tests*.

w/v weight (of solute) per volume (of solvent).

Wy-a-mine (wi'ə-min) trademark for preparations of mephentermine.

Wy-burn-Ma-son's syndrome (wi'bārn-ma'sənz) [Roger Wyburn-Mason, British physician, 20th century] see under *syndrome*.

Wy-cil-lin (wi-sil'lin) trademark for preparations of penicillin G procaine.

Wy-dase (wi'dās) trademark for preparations of hyaluronidase for injection.

Wye-o-my-ia (we'o-mi'yə) a genus of culicine mosquitoes.

Wy-mox (wi'moks) trademark for preparations of amoxicillin.

Wynn method (win) [Sidney Keith Wynn, American plastic surgeon, born 1917] see under *method*.

Wy-ten-sin (wi-ten'sin) trademark for a preparation of guanabenz acetate.